*Previous references.*

1903-04
( Courts )

**File No.** 139

**Serial Nos.** 1–3

*Later references.*

Court 164 of 04
Filed

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1–3.

**Part B. for**

SUBJECT.

Revision and enhancement of sentence passed by the City Magistrate, Bangalore upon Arulanandam Pather Govt Press charged with theft of books.

Table of Contents

Sl No. 1 From the Supdt Govt Press No 821 of 1-6-04 stating that the sentence passed on Arulanandam is out of all proportion to the offence viz a fine of Rs 3 and soliciting orders to enable the Govt Advocate to apply to the Chief Court to revise & enhance the sentence

Sl No. 2 To the Govt Advocate & Supdt Govt Press No 2727-8 of 7-6-04 Directing the Govt to make an application to the Chief Court for the revision & enhancement of the sentence passed by the City Magistrate

No. 3. From the four Advocates

No. 10 A of 10th Sept 1904

Stating that the notice on the accused served by the Chief Court has not been returned served as yet the case stands adjourned to the 30th Sept ox and as soon as the case is heard and disposed of, the result will be reported

GENERAL AND REVENUE SECRETARIAT.

( Courts )

NOTES.

File No.

FILE HEADING.

Application to the Chief Court for revision and enhancement of sentence passed by the City Magistrate, Bangalore, upon one Arulanandam packer, Govt Press

From The Superintendent, Government Printing

No. 821 Dated 1/6-6-04 Received 6-6-04

Diary No. J.1813 | Enclos. 2 | Spare Copies. nil | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests that an application be made to the Chief Court for revision and enhancement of sentence passed by the City Magte, Bangalore upon Arulanandam packer, Govt Press, who was charged with theft of books

NOTES AND ORDERS.

Both the Supt and the Govt Advocate (who was consulted by the Supt) think that the sentence viz, fine of three Rupees, or in default, rigorous imprisonment for 7 days passed upon the accused, is inadequate.

The value of the books stolen is said to be about 1 Re-

The point for consideration is whether as requested by the Supt, the Chief Court shd be moved

NOTES—First sheet.

MGCPB—5,000—18-5-04

moved to revise and enhance the sentence passed upon the prisoner.

Submitted for orders.

7/6/04

The sentence is no doubt inadequate. But I doubt if the case is sufficiently important to make it worth while moving the Chief Court on revision for an enhancement of sentence. The prisoner has been convicted of 4 thefts of value under Rs 13 calendars, worth in all one rupee. The accused too little probably have been dismissed from the Jail Press.

7/6/04

To Dewan thro' 1st Cr.

1548
7-6-04

But the sentence does not seem to be legal - Am I right? Please see & don't hesitate to have with me a copy of the Penal Code - But the Schedule attached to the Cr. Pro Code shows that the offence in question is punishable with imprisonment of fine - A.

8/6/04.

9/6/04

Put up a copy of S. 381 I.P.C.

Copy put up.

9.6.04

9/6/04

The view expressed by the 1st Cr. is correct. Both imprt. & fine must be imposed on a conviction under S. 381.

9/6/04

To 1st Cr

9-6-04

The sentence is upheld.

~~Wh~~ inadequate but it also illegal -
The Govt Advocate may be
instructed to move the High
Court for its enhancement -

10/6/04.

10/6/04

Submitted

11/6/04

18 2 84
11.6.04

12.VI.04

14/6/04

Approved

14/6/04

Draft Issued

15/6/04

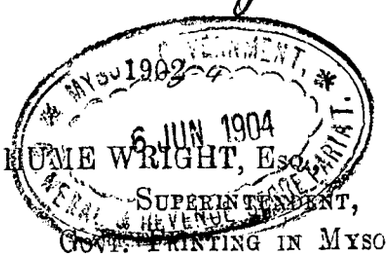
Issued

No. 2727-29 18/6/04.

Govt Advocate in Appeal
Civil Side - directing him to
Advocate Cuttack to appeal

III Draw. 616

J 1813/1




From

G. RUME WRIGHT, Esq.,
SUPERINTENDENT,
GOVT. PRINTING IN MYSORE.

To

L. Anantasamee Rao, Esquire,
Offg: Secretary to Govt:,
Genl & Rev: Departments.

Dated 1st June 1904.
Despatched
Received

General No. 621
No.

Enclosure No. Two.

Serial No 1

Sir,

I have the honor to inform you that one Arulanand aur, a packer in this office, was found to have abstracted Educational books upon the cart in his custody, despatched from the Government Press to the Government Book Depot and was offering them for sale when the Police caught him. He was prosecuted before the Ld Asst Magistrate on the 30th April 1904, who convicted him of theft as a Public servant, but inflicted a sentence out of

all

all proportion to the offence, namely a fine of Rs: 3/-
The man was in a position of trust and in charge
of Government property which he wilfully stole, and
the punishment should have been deterrent and
subst antial, otherwise there is no check upon such
men. The Government Advocate, who was addressed
regarding an application to the Chief Court to
revise and enhance the sentence replies that the
sanction of Govt: is necessary. His letter is
herewith submitted, as also a copy of the Magistrate's
judgment. I solicit orders to enable the
Government Advocate to apply to the Chief Court.

I have the honor to be

Sir

Your most obedient servant

G Hunewright

Superintendent,

Govt: Pr: in Mysore

C.C.

F. 213.
Encl. No. 1

Office of the Government Advocate in Mysore
Dated 25th May 1904

To

Encls & Nil

G. Hume Wright. Esq.
Superintendent.
Govt. Printing in Mysore.

From

The Govt. Advocate
Bangalore.

Sir

In reply to your letter no 766. dated 12th May 1904, I have the honour to state that in my opinion the Sentence passed is inadequate. The sanction of the Govt is necessary to enable me to apply to the Chief Court to revise the Sentence and to enchance the same. The enclosure to your letter is herewith returned.

I have the honour to be
Sir
Your most obedient Servant
G Ramaswamiyya
Govt. Advocate.

Send to Govt
with Govt Advocate's
reply for sanction
& apply to Chief Court
G Hume Wright

III Branch / 1418 / Courts 5 years.

J 614.

Il No 3.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENT.

No. J 685 / C. 1388 08-4, dated the 8 Sept 1904

(Courts)

Recd 9th Sept

**REPLY.**

No. A, dated the 10th Sept 1904

4 To

The Sessions Judge of Bangalore

To

*The Secretary to the Government of H. H. the Maharaja of Mysore, General and Revenue Dept.*

SUBJECT.

Requests him to report the result of his application to the Chief Court for the revision and enhancement of sentence passed by the City Magistrate, Bangalore, on Govindum, late Packer, Cart Boss.

Sir,

As the notice on the accused issued by the Chief Court has not been returned & as the case stands adjourned to the 30th Instant, the case is heard & disposed of the result will be reported.

Your most obedient
Servant
Govt Advocate

OFFICE MEMORANDUM.

The undersigned is directed to invite attention to the marginally noted communication and to request that the General and Revenue Secretariat may be informed, in the column opposite, of the cause of delay in furnishing a reply and of the approximate date on which a reply may be expected.

He is also to request that the General and Revenue Secretariat may be favoured with a reply to this reminder ~~not later than the~~ as early as possible

* No 2728, dated 18/8/04

Bojaraj

Dewan Asst

Secretary

* Previous reminder. 326. 28/8/04

G. R. S. 45